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7 Attorneys for Plaintiffs
Bay Area Painters and Tapers
8 Trust Fund, et al.

9
10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 BAY AREA PAINTERS AND TAPERS
13 PENSION FUND, et al.,

14 Plaintiff,

15 v.

16 FRANK WILLIAM MITCHELL, individually
17 and dba MITCHELL CONSTRUCTION
18 DRYWALL METAL STUDS,

19 Defendant.

Case No.: C08-0530 MMC

**REQUEST FOR ISSUANCE OF
WRIT OF EXECUTION AND
DECLARATION OF SHAAMINI A. BABU
IN SUPPORT THEREOF**

20 TO THE CLERK OF THE COURT:

21 I, Shaamini A. Babu, declare under penalty of perjury that:

22 1. I am the attorney for the plaintiffs in the above-entitled action.

23 2. On May 8, 2008, within ten years past, a Judgment (hereinafter “Judgment”) was
24 entered in favor of Plaintiffs and against Defendant in the total amount of **\$26,815.37**. A true and
25 accurate copy of that Judgment is attached hereto as *Exhibit A*.

26 3. Post-judgment interest is calculated at the legal rate of 1.86% in the week of April
27

28, 2008, the week preceding the date of Judgment entry. Attached hereto as *Exhibit B* is a true and accurate copy of the Selected Interest Rates page, showing the rate for the week of April 28, 2008, printed from the United States District Court, Northern District of California, website. Thirteen (13) days have elapsed from May 8, 2008 to May 20, 2008. Post-judgment interest in the amount of **\$27.36** has therefore accrued on the Judgment as of May 20, 2008.

4. The total amount now due and owing by defendant to plaintiffs is as follows:

Judgment	\$26,815.37
Post-Judgment Interest (5/8/08-5/20/08)	\$27.36
TOTAL	\$26,842.73

5. No amount has been paid or recovered to satisfy any portion of the judgment.

WHEREFORE, it is prayed that a Writ of Execution be promptly issued for \$26,842.73 plus 1.86% per annum interest (\$1.37 per diem beginning May 21, 2008) until satisfied, and that the Court retain jurisdiction over this matter.

6. To the best of my knowledge, defendant is not an infant or an incompetent person, nor is defendant in the military service of the United States.

I declare under penalty of perjury that the foregoing is true of my own knowledge and if called upon I could competently testify thereto.

Dated: May 28, 2008

SALTZMAN & JOHNSON
LAW CORPORATION

_____/s/_____
Shaamini A. Babu
Attorneys for Plaintiffs

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BAY AREA PAINTERS AND TAPERS PENSION
FUND, et al.,

No. CV-08-0530 MMC

Plaintiffs,

JUDGMENT IN A CIVIL CASE

v.

FRANK WILLIAM MITCHELL, individually and
dba MITCHELL CONSTRUCTION DRYWALL
METALS STUDS,

Defendant.

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS SO ORDERED AND ADJUDGED

1. Plaintiffs are entitled to damages in the amount of \$22,704.92, representing unpaid contributions, liquidated damages, and interest.
2. Plaintiffs are entitled to an award of attorney's fees in the amount of \$3494 and costs in the amount of \$616.45.

Dated: May 8, 2008

Richard W. Wieking, Clerk

Tracy Lucero

By: Tracy Lucero
Deputy Clerk

EXHIBIT B

Federal Reserve Statistical Release



H.15

Selected Interest Rates

Release Date: April 28, 2008

Release dates | [Daily update](#) | [Historical data](#) | [Data Download Program \(DDP\)](#) | [About](#) | [Announcements](#)
 Current release *Other formats*: [Screen reader](#) | [ASCII](#) | [PDF \(17 KB\)](#)



FEDERAL RESERVE STATISTICAL RELEASE

H.15 (519) SELECTED INTEREST RATES
 For use at 2:30 p.m. Eastern Time

Yields in percent per annum

April 28, 2008

Instruments

Federal funds (effective) 1 2 3

Commercial Paper 3 4 5

Nonfinancial

1-month

2-month

3-month

Financial

1-month

2-month

3-month

CDs (secondary market) 3 6

1-month

3-month

6-month

Eurodollar deposits (London) 3 7

1-month

3-month

	2008 Apr 21	2008 Apr 22	2008 Apr 23	2008 Apr 24	2008 Apr 25	2008 Apr 25	Week Ending Apr 25	2008 Mar 18	2008 Mar 25
Federal funds (effective)	2.28	1.99	2.18	2.26	2.28	2.25	2.34	2.61	2.61
Commercial Paper	2.13	2.13	2.01	2.09	2.27	2.13	2.11	2.36	2.36
Nonfinancial	2.09	2.09	2.00	2.03	2.00	2.04	2.06	2.32	2.32
1-month	1.97	1.94	2.00	1.93	n.a.	1.96	n.a.	2.35	2.35
Financial	2.87	2.59	2.74	2.77	2.42	2.68	2.54	2.61	2.61
1-month	2.88	2.82	2.95	2.65	2.82	2.82	2.51	2.65	2.65
2-month	2.85	2.76	2.91	2.88	2.81	2.84	2.71	2.70	2.70
3-month	2.95	2.95	2.90	2.88	2.93	2.92	2.83	2.82	2.82
CDs (secondary market)	2.97	2.96	2.95	2.95	2.97	2.96	2.85	2.79	2.79
1-month	3.02	3.02	3.02	3.02	3.09	3.03	2.85	2.70	2.70
3-month	3.00	3.00	3.00	2.95	3.00	2.99	2.92	2.87	2.87
6-month	3.10	3.10	3.10	3.05	3.10	3.09	2.95	2.86	2.86
Eurodollar deposits (London)									
1-month									
3-month									

6-month	3.20	3.20	3.20	3.10	3.30	3.20	2.99	2.78
Bank prime loan 2 3 8	5.25	5.25	5.25	5.25	5.25	5.25	5.25	5.66
Discount window primary credit 2 9	2.50	2.50	2.50	2.50	2.50	2.50	2.50	3.04
U.S. government securities								
Treasury bills (secondary market) 3 4								
4-week	0.83	0.71	0.76	0.78	0.76	0.77	0.84	1.34
3-month	1.33	1.26	1.24	1.24	1.31	1.28	1.16	1.26
6-month	1.65	1.61	1.60	1.62	1.69	1.63	1.48	1.48
Treasury constant maturities								
Nominal 10								
1-month	0.90	0.72	0.78	0.81	0.80	0.80	0.86	1.35
3-month	1.34	1.27	1.26	1.26	1.34	1.29	1.18	1.28
6-month	1.68	1.64	1.64	1.66	1.73	1.67	1.52	1.51
1-year	1.86	1.84	1.83	1.91	1.97	1.88	1.67	1.54
2-year	2.20	2.24	2.22	2.41	2.44	2.30	1.98	1.62
3-year	2.37	2.43	2.45	2.61	2.64	2.50	2.18	1.80
5-year	2.95	2.96	2.98	3.15	3.20	3.05	2.79	2.48
7-year	3.28	3.29	3.32	3.44	3.49	3.36	3.17	2.93
10-year	3.75	3.74	3.77	3.87	3.91	3.81	3.67	3.51
20-year	4.48	4.47	4.49	4.56	4.61	4.52	4.44	4.36
30-year	4.48	4.46	4.49	4.56	4.61	4.52	4.47	4.39
Inflation indexed 11								
5-year	0.70	0.72	0.73	0.89	0.89	0.79	0.58	0.23
7-year	1.07	1.06	1.08	1.20	1.23	1.13	1.00	0.73
10-year	1.44	1.43	1.44	1.56	1.60	1.49	1.36	1.09
20-year	1.95	1.93	1.95	2.05	2.09	1.99	1.89	1.76
Inflation-indexed long-term average 12	1.94	1.92	1.95	2.04	2.08	1.99	1.89	1.76
Interest rate swaps 13								
1-year	2.91	2.93	2.93	2.99	3.06	2.96	2.72	2.41
2-year	3.06	3.09	3.11	3.21	3.31	3.15	2.87	2.50
3-year	3.33	3.34	3.36	3.47	3.56	3.41	3.16	2.82
4-year	3.57	3.58	3.60	3.71	3.79	3.65	3.44	3.13
5-year	3.76	3.78	3.79	3.89	3.97	3.84	3.67	3.39
7-year	4.07	4.07	4.08	4.18	4.25	4.13	4.01	3.80
10-year	4.36	4.34	4.38	4.46	4.52	4.41	4.34	4.20
30-year	4.86	4.81	4.86	4.93	4.96	4.88	4.85	4.78
Corporate bonds								
Moody's seasoned								
Aaa 14	5.60	5.54	5.54	5.60	5.64	5.58	5.60	5.51
Baa	6.97	6.95	6.95	7.00	7.05	6.98	7.03	6.89
State & local bonds 15				4.68		4.68	4.62	4.93

Conventional mortgages 16

6.03 6.03 5.88 5.97

n.a. Not available.

Footnotes

1. The daily effective federal funds rate is a weighted average of rates on brokered trades.
2. Weekly figures are averages of 7 calendar days ending on Wednesday of the current week; monthly figures include each calendar day in the month.
3. Annualized using a 360-day year or bank interest.
4. On a discount basis.
5. Interest rates interpolated from data on certain commercial paper trades settled by The Depository Trust Company. The trades represent sales of commercial paper by dealers or direct issuers to investors (that is, the offer side). The 1-, 2-, and 3-month rates are equivalent to the 30-, 60-, and 90-day dates reported on the Board's Commercial Paper Web page (www.federalreserve.gov/releases/cp/).
6. An average of dealer bid rates on nationally traded certificates of deposit.
7. Bid rates for Eurodollar deposits collected around 9:30 a.m. Eastern time.
8. Rate posted by a majority of top 25 (by assets in domestic offices) insured U.S.-chartered commercial banks. Prime is one of several base rates used by banks to price short-term business loans.
9. The rate charged for discounts made and advances extended under the Federal Reserve's primary credit discount window program, which became effective January 9, 2003. This rate replaces that for adjustment credit, which was discontinued after January 8, 2003. For further information, see www.federalreserve.gov/boarddocs/press/bcreg/2002/200210312/default.htm. The rate reported is that for the Federal Reserve Bank of New York. Historical series for the rate on adjustment credit as well as the rate on primary credit are available at www.federalreserve.gov/releases/h15/data.htm.
10. Yields on actively traded non-inflation-indexed issues adjusted to constant maturities. The 30-year Treasury constant maturity series was discontinued on February 18, 2002, and reintroduced on February 9, 2006. From February 18, 2002, to February 9, 2006, the U.S. Treasury published a

factor for adjusting the daily nominal 20-year constant maturity in order to estimate a 30-year nominal rate. The historical adjustment factor can be found at www.treas.gov/offices/domestic-finance/debt-management/interest-rate/ltcompositeindex_historical.shtml. Source: U.S. Treasury.

11. Yields on Treasury inflation protected securities (TIPS) adjusted to constant maturities. Source: U.S. Treasury. Additional information on both nominal and inflation-indexed yields may be found at www.treas.gov/offices/domestic-finance/debt-management/interest-rate/index.html.

12. Based on the unweighted average bid yields for all TIPS with remaining terms to maturity of more than 10 years.

13. International Swaps and Derivatives Association (ISDA(R)) mid-market par swap rates. Rates are for a Fixed Rate Payer in return for receiving three month LIBOR, and are based on rates collected at 11:00 a.m. Eastern time by Garban Intercapital plc and published on Reuters Page ISDAFIX(R)1. ISDAFIX is a registered service mark of ISDA. Source: Reuters Limited.

14. Moody's Aaa rates through December 6, 2001, are averages of Aaa utility and Aaa industrial bond rates. As of December 7, 2001, these rates are averages of Aaa industrial bonds only.

15. Bond Buyer Index, general obligation, 20 years to maturity, mixed quality; Thursday quotations.

16. Contract interest rates on commitments for fixed-rate first mortgages. Source: FHLMC.

Note: Weekly and monthly figures on this release, as well as annual figures available on the Board's historical H.15 web site (see below), are averages of business days unless otherwise noted.

Current and historical H.15 data are available on the Federal Reserve Board's web site (www.federalreserve.gov/). For information about individual copies or subscriptions, contact Publications Services at the Federal Reserve Board (phone 202-452-3244, fax 202-728-5886). For paid electronic access to current and historical data, call STAT-USA at 1-800-782-8872 or 202-482-1986.

Description of the Treasury Nominal and Inflation-Indexed Constant Maturity Series

Yields on Treasury nominal securities at "constant maturity" are interpolated by the U.S. Treasury

from the daily yield curve for non-inflation-indexed Treasury securities. This curve, which relates the yield on a security to its time to maturity, is based on the closing market bid yields on actively traded Treasury securities in the over-the-counter market. These market yields are calculated from composites of quotations obtained by the Federal Reserve Bank of New York. The constant maturity yield values are read from the yield curve at fixed maturities, currently 1, 3, and 6 months and 1, 2, 3, 5, 7, 10, 20, and 30 years. This method provides a yield for a 10-year maturity, for example, even if no outstanding security has exactly 10 years remaining to maturity. Similarly, yields on inflation-indexed securities at "constant maturity" are interpolated from the daily yield curve for Treasury inflation protected securities in the over-the-counter market. The inflation-indexed constant maturity yields are read from this yield curve at fixed maturities, currently 5, 7, 10, and 20 years.

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Last update: April 28, 2008

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address): Shaamini A. Babu (SBN 230704) Saltzman & Johnson Law Corporation 44 Montgomery Street, Suite 2110 San Francisco, California 94104 TELEPHONE NO.: (415) 882-7900 FAX NO. (Optional): (415) 882-9287 E-MAIL ADDRESS (Optional): sbabu@sjlawcorp.com ATTORNEY FOR (Name): Bay Area Painters and Tapers Pension Fund, et al. <input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF United States District Court STREET ADDRESS: 450 Golden Gate Avenue MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, California 94102 BRANCH NAME: Northern District of California		
PLAINTIFF: Bay Area Painters and Tapers Pension Fund, et al. DEFENDANT: Frank William Mitchell, et al.		
WRIT OF	<input checked="" type="checkbox"/> EXECUTION (Money Judgment) <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> Real Property <input type="checkbox"/> SALE	CASE NUMBER: C08-0530 MMC

1. To the Sheriff or Marshal of the County of: United States District Court, Northern District of California

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. **To any registered process server:** You are authorized to serve this writ only in accord with CCP 699.080 or CCP 715.040.

3. (Name): Bay Area Painters and Tapers Pension Fund, et al.

is the ☒ judgment creditor ☐ assignee of record whose address is shown on this form above the court's name.

4. Judgment debtor (name and last known address):

Frank William Mitchell
310 Rancho Murieta Drive, Apt. D
Vacaville, California 95687

Frank William Mitchell, dba Mitchell
Construction Drywall Metal Studs
310 Rancho Murieta Drive, Apt. D
Vacaville, California 95687

☐ Additional judgment debtors on next page

5. Judgment entered on (date):

May 8, 2008

6. ☐ Judgment renewed on (dates):

7. Notice of sale under this writ

- a. ☒ has not been requested.
- b. ☐ has been requested (see next page).

8. ☐ Joint debtor information on next page.

[SEAL]

Issued on (date):

Clerk, by _____, Deputy

NOTICE TO PERSON SERVED: SEE NEXT PAGE FOR IMPORTANT INFORMATION.

PLAINTIFF: Bay Area Painters and Tapers Pension Fund, et al.	CASE NUMBER:
DEFENDANT: Frank William Mitchell, et al.	C08-0530 MMC

— Items continued from page 1 —

21. ☐ Additional judgment debtor (name and last known address):

--	--	--	--

22. ☐ Notice of sale has been requested by (name and address):

--	--	--	--

23. ☐ Joint debtor was declared bound by the judgment (CCP 989–994)

a. on (date):

a. on (date):

b. name and address of joint debtor:

b. name and address of joint debtor:

--	--	--	--

c. ☐ additional costs against certain joint debtors (itemize):

--	--	--	--

24. ☐ (Writ of Possession or Writ of Sale) Judgment was entered for the following:a. ☐ Possession of real property: The complaint was filed on (date):

(Check (1) or (2)):

(1) ☐ The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46.

The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.

(2) ☐ The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.

(a) \$ _____ was the daily rental value on the date the complaint was filed.

(b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

b. ☐ Possession of personal property.☐ If delivery cannot be had, then for the value (itemize in 9e) specified in the judgment or supplemental order.c. ☐ Sale of personal property.d. ☐ Sale of real property.

e. Description of property:

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (Form EJ-150).
 WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

► A Claim of Right to Possession form accompanies this writ (unless the Summons was served in compliance with CCP 415.46).